

DETAILED ACTION

1. Claims 1-12 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 8 recites a computer program to carry out the method of claim 1. This is directed to a software program per se.

MPEP: 2106.01

I. FUNCTIONAL DESCRIPTIVE MATERIAL: "DATA STRUCTURES " REPRESENTING DESCRIPTIVE MATERIAL PER SE OR COMPUTER PROGRAMS REPRESENTING COMPUTER LISTINGS PER SE

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural or functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narin, et al. (US 7,523,310) in view of Ohmori, et al. (US 7,542, 568).

As per claim 1:

Narin discloses a method of managing digital rights, comprising the steps of:

transmitting (1), to a server (**col.8, lines 26-35**), a request for a digital right to an encrypted content item, the request comprising a circuit identifier identifying an integrated circuit and a content identifier (**col.8, lines 65-67 and col.9, line 13**) identifying the encrypted content item; (**col.2, lines 44-50 and col.14, lines 10-15**)

receiving (3) an encrypted digital right from the server, the encrypted digital right being encrypted by using a public key associated with the integrated circuit; and (**col.2, lines 30-37 and col.8, lines 30-35**)

instructing (5) the integrated circuit to decrypt the encrypted digital right by using a private key associated with the integrated circuit (**col.9, lines 7-40**), the private key being stored in the integrated circuit, and to store the digital right in the integrated circuit. (**col.2, lines 58-65 and col.8, lines 50-60**)

Although Narin discloses an integrated circuit (col.14, lines 10-15), but does not further include details of the identifier of the circuit.

Ohmori discloses the invention relates to an encryption and decryption device for protecting copyrights when transmitting digital productions (col.1, lines 30-33). Ohmori includes integrated circuit in the form of IC card that includes device key memory unit that memorizes a device key ring that is specific to every IC card supplied by the copyright protection licensor (col.6, lines 53-55). Ohmori teaches the public key certificate for an IC card includes an ID for the IC card (col.8, lines 23-25). Further, the claimed circuit identifier can broadly be interpreted as the device key ring since the device key ring is specific to the IC card.

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Therefore, it would have been obvious for a person of ordinary skills in the art to combine the teaching of Narin with Ohmori to teach a circuit identifier because to specifically identify the IC supplied by the copy protection licenser as a way to protect the IC and its information (Ohmori- col.6, lines 53-55 and col.8, lines 23-25).

As per claim 2: See **Narin on col.2, lines 30-37 and col.8, lines 30-35 and 65-67;**

discussing a method as claimed in claim 1, further comprising the step of receiving (21) the content identifier identifying the encrypted content item, using a receiver.

As per claim 3: See **Narin on col.8, lines 65-67 and col.10, lines 40-67;** discussing a

method as claimed in claim 1, further comprising the step of retrieving (41) the content identifier identifying the encrypted content item from a storage means storing the encrypted content item.

As per claim 4: See **Ohmori on col.2, lines 63-65;** discussing a method as claimed in claim 1, further comprising the step of re-encrypting (43) the digital right and copying the re-encrypted digital right to a storage means.

As per claim 5: See **Narin on col.2, lines 30-65 and col.9, lines 7-40;** discussing a method as claimed in claim 1, further comprising the step of obtaining (7) a content decryption key for decrypting at least part of the encrypted content item from the integrated circuit, the content decryption key being computed by the integrated circuit, using the digital right stored in the integrated circuit.

As per claim 6: See **Narin on col.9, lines 7-40;** discussing a method as claimed in claim 5, further comprising the step of transmitting (23) the content decryption key to a content decrypting means.

As per claim 7: See **Narin on col.2, lines 58-65 and col.9, lines 7-40;** discussing a method

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as claimed in claim 1, further comprising the step of obtaining (9) at least a part of the encrypted content item in a decrypted form from the integrated circuit, decryption of the encrypted content item being performed by the integrated circuit, using the digital right stored in the integrated circuit.

As per claim 8: See **Narin on col.6, lines 37-50**; discussing a computer program enabling a programmable device to carry out a method as claimed in claim 1.

As per claim 9:

Narin discloses a system for managing digital rights, comprising:

a server (61) which is able to receive, from a client, a request for a digital right to an encrypted content item, the request comprising a circuit identifier identifying an integrated circuit and a content identifier (**col.8, lines 65-67 and col.9, line 13**) identifying the encrypted content item; (**col.8, lines 26-35**)

to perform one of creating and retrieving the digital right; (**col.7, lines 43-67**)

to retrieve a public key associated with the integrated circuit from a server storage means; (**col.10, lines 40-67**)

to encrypt the digital right by using the public key; and (**col.2, lines 30-37 and col.8, lines 30-35**)

to transmit the digital right in an encrypted form to the client (63); and (**col.9, lines 42-53**)

a client (63) which is able to transmit, to the server (61), the request for the digital right; (**col.2, lines 44-50 and col.14, lines 10-15**)

to receive an encrypted digital right from the server (61); and (**col.9, lines 55-67**)

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to instruct the integrated circuit to decrypt the digital right by using a private key associated with the integrated circuit (**col.9, lines 7-40**), the private key being stored in the integrated circuit, and to store the digital right in the integrated circuit. (**col.2, lines 58-65 and col.8, lines 50-60**)

Although Narin discloses an integrated circuit (col.14, lines 10-15), but does not further include details of the identifier of the circuit.

Ohmori discloses the invention relates to an encryption and decryption device for protecting copyrights when transmitting digital productions (col.1, lines 30-33). Ohmori includes integrated circuit in the form of IC card that includes device key memory unit that memorizes a device key ring that is specific to every IC card supplied by the copyright protection licensor (col.6, lines 53-55). Ohmori teaches the public key certificate for an IC card includes an ID for the IC card (col.8, lines 23-25). Further, the claimed circuit identifier can broadly be interpreted as the device key ring since the device key ring is specific to the IC card.

Therefore, it would have been obvious for a person of ordinary skills in the art to combine the teaching of Narin with Ohmori to teach a circuit identifier because to specifically identify the IC supplied by the copy protection licensor as a way to protect the IC and its information (Ohmori- col.6, lines 53-55 and col.8, lines 23-25).

As per claim 10:

Narin discloses a electronic device (81), comprising:

a transmitter (83) which is able to transmit a first signal; (**col.9, lines 42-53**)

a receiver (85) which is able to receive a second signal; (**col.9, lines 55-67**)

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an integrated circuit (87) which is able to store a private key associated with the integrated circuit; **(col.14, lines 10-21)**

to decrypt an encrypted digital right by using the private key; and **(col.2, lines 58-65)**

to store a digital right; and **(col.8, lines 42-60)**

a control unit (89) which is able to instruct the transmitter to transmit, in a first signal, a request for a digital right to an encrypted content item **(col.2, lines 44-50 and col.8, lines 60-65)**, the request comprising a circuit identifier identifying the integrated circuit and a content identifier **(col.8, lines 65-67 and col.9, line 13)** identifying the encrypted content item; **(col.2, lines 30-37 and col.8, lines 30-35)**

to use the receiver to receive, in a second signal, an encrypted digital right, the encrypted digital right being encrypted by using a public key associated with the integrated circuit; and **(col.2, lines 30-37 and col.8, lines 30-35)**

to instruct the integrated circuit to decrypt the encrypted digital right and to store the digital right. **(col.9, lines 7-40)**

Although Narin discloses an integrated circuit (col.14, lines 10-15), but does not further include details of the identifier of the circuit.

Ohmori discloses the invention relates to an encryption and decryption device for protecting copyrights when transmitting digital productions (col.1, lines 30-33). Ohmori includes integrated circuit in the form of IC card that includes device key memory unit that memorizes a device key ring that is specific to every IC card supplied by the copyright protection licensor (col.6, lines 53-55). Ohmori teaches the public key certificate for an IC card includes an ID for the IC card (col.8, lines 23-25). Further, the claimed circuit identifier

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can broadly be interpreted as the device key ring since the device key ring is specific to the IC card.

Therefore, it would have been obvious for a person of ordinary skills in the art to combine the teaching of Narin with Ohmori to teach a circuit identifier because to specifically identify the IC supplied by the copy protection licenser as a way to protect the IC and its information (Ohmori- col.6, lines 53-55 and col.8, lines 23-25).

As per claim 11: See **Narin on col.5, lines 4-6**; discussing an electronic device (81) as claimed in claim 10, comprising a mobile phone.

As per claim 12: See **Narin on col.8, lines 26-35**; discussing an electronic device (81) as claimed in claim 10, further comprising a non-volatile memory (93) for storing the digital right in an encrypted form.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leynna T. Truvan whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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